

Doug Ecks, State Bar No. 276583  
LAW OFFICE OF DOUG ECKS  
124 E Olive Ave  
Burbank Ca, 91502  
Telephone: (714) 290 1103  
theecksfactordefense@gmail.com

Attorney for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ADRIAN RISKIN,

Petitioner,

vs.

Los Angeles City Council,

Respondent.

) Case No.

) VERIFIED PETITION FOR WRIT OF  
) MANDATE DIRECTED TO LOS ANGELES  
) COUNCIL DISTRICT 1 ORDERING  
) COMPLIANCE WITH CALIFORNIA  
) PUBLIC RECORDS ACT AND FOR  
) DECLARATORY AND INJUNCTIVE  
) RELIEF; EXHIBITS A-B

) [Gov't Code § 6250 *et seq.*;  
) Code of Civ. Pro. § 1060 ]

Under Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act, Government Code §§ 6250 *et seq.*, ("CPRA"), petitioner Adrian Riskin ("Petitioner") petitions this Court for a writ of mandate directed to respondent Los Angeles City Council ("Respondent"), commanding Respondent to comply with the CPRA, and for declaratory and equitable relief. By this verified Petition, Petitioner alleges:

**JURISDICTION**

1. This Court has jurisdiction over this Petition pursuant to Cal. Gov't Code §§ 6258 and 6259. Code of Civ. Pro. § 1060.

**THE PARTIES**

1. Petitioner Adrian Riskin is a concerned resident of Los Angeles, California. Petitioner has a PhD in mathematics and is a math professor. He also publishes a website, <http://michaelkohlhaas.org>, where he regularly disseminates information to the general public about the workings of the City's Business Improvement Districts, including information obtained through the California Public Records Act. As such, Petitioner is within the class of persons beneficially interested in Respondent's faithful performance of its legal duties under the CPRA.

2. Los Angeles City Council District 14 is one of the fifteen city council districts. It represents Northeastern and Northwestern parts of Los Angeles and the current representative on the city council is Jose Huizar. It is a part of the City Council of Los Angeles which governs the entire city. It is a government entity within the context of Cal. Gov't Code § 6250

## OVERVIEW

1. In an effort to monitor the workings of Respondent, and disseminate his findings on his website, Petitioner has utilized the CPRA. The materials on Petitioner's website are available for free to the public. He has been quoted in the *Los Angeles Times*, his website linked to in various articles, and he has been contacted by documentary film makers, public interest attorneys, and students from Boalt Hall's Policy Advocacy Clinic who have utilized information on his website for their projects.

2. Petitioner, through the CPRA request at issue in this petition, seeks to understand the ways in which Respondent's staff have interacted with Richelle Huizar, who is seen by many as his potential successor.

1           3. Petitioner seeks to understand how Richelle Huizar has interacted with the city  
2 council staff of her husband and set policy given she may be implicated in her husband's legal  
3 troubles.  
4

5           4. The communications and coordination between the City Council District 14 and  
6 the government emails to Mr. Huizar's wife at esq4kids@yahoo.com falls square within the  
7 parameters of the CPRA. "The Act was intended to safeguard the accountability of government  
8 to the public, and it makes public access to governmental records a fundamental right of  
9 citizenship. ( *Rogers v. Superior Court*, 9 Cal. App. 4th at 476 quoted by *Wilson v. Superior*  
10 *Court* 51 Cal.App.4<sup>th</sup> 1136, 1141 (1996).  
11

12           5. Respondent only partially complied with the request. As seen in the attached  
13 emails between Petitioner and the staff member for respondent Isaih Calvin, Respondent claimed  
14 a public interest exception without any specifications as to what the public interest being served  
15 was as to all documents not provided.  
16

17           6. Petitioner requested clarification and for the missing emails to be provided with  
18 redactions where necessary but no clarification or further documents were provided.  
19

20           7. Petitioner believes that given the recipients and topics of these missing emails the  
21 public interest exception either doesn't apply or is being applied here in an overbroad fashion.  
22

23           8. Notwithstanding the public's strong interest in these issues, and despite the need  
24 for openness from governmental institutions. Respondent has disregarded its legal obligations  
25 and restricted public access to information. Petitioner seeks immediate production of withheld  
26 records and challenges all of Respondent's claimed exemptions.  
27  
28

## **BACKGROUND OF CPRA REQUESTS**

1 **5/1/19 request**

2 9. On Nov 16, 2018, Petitioner sent a CPRA request to a the city councilor Jose  
3 Huizar and staff member for City Council District 14 Paul Habib via email seeking:  
4

5 “all emails between Mr. Huizar, and any of his staff and the email address is  
6 [esq4kids@yahoo.com](mailto:esq4kids@yahoo.com). A true and correct copy of Petitioner’s Nov16, 2018 email is  
7 attached as **Exhibit A**.

8 10. Respondent’s staff member Isaiah Calvin responded by email on Dec 10, 2018  
9 saying they expected the documents would be provided by Feb 22, 2019. **Exhibit B**.  
10

11 11. Isaiah Calvin sent another Petitioner followed up with an email on Feb 22 2019  
12 saying an updated release date was Mar 8, 2019. **Exhibit C**

13 12. On Apr, 22, 2019 Isaiah Calvin sent an email saying there were 51 pages of  
14 documents for viewing or copying with some redactions stating only Government Code section  
15 6255 as explanation. **Exhibit D**.  
16

17 13. On May 10, 2019 Petitioner sent an email objecting to the redactions and  
18 exceptions, describing the response as fragmentary and that no specific justification was given  
19 for the redactions and exceptions.  
20

21 14. As Petitioner was unable to negotiate a solution to the dispute over pages and  
22 emails not provided he brings this petition.  
23  
24

25 **THE CALIFORNIA PUBLIC RECORDS ACT**  
26  
27  
28

1           15. Under the CPRA, all records that are prepared, owned, used, or retained by any  
2 public agency, and that are not subject to the CPRA's statutory exemptions to disclosure, must  
3 be made publicly available for inspection and copying upon request. Gov't Code § 6253.  
4

5           16. Any person may institute proceedings for injunctive or declarative relief or writ of  
6 mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a  
7 copy of any public record." Gov't Code § 6258.  
8

9           17. Whenever it is made to appear by verified petition to the superior court of the  
10 county where the records or some part thereof are situated that certain public records are being  
11 improperly withheld from a member of the public, the court shall order the officer or person  
12 charged with withholding the records to disclose the public record or show cause why he or she  
13 should not do so. The court shall decide the case after examining the record in camera (if  
14 permitted by the Evidence Code), papers filed by the parties, and any oral argument and  
15 additional evidence as the court may allow. *Id.* § 6259(a).  
16

17           18. If the Court finds that the failure to disclose is not justified, it shall order the  
18 public official to make the record public. *Id.* § 6259(b).  
19

20           19. To ensure that access to the public's information is not delayed or obstructed, the  
21 CPRA requires that "[t]he times for responsive pleadings and for hearings in these proceedings  
22 shall be set by the judge of the court with the object of securing a decision as to these matters at  
23 the earliest possible time." *Id.* § 6258.  
24

25           20. There is no lawful or proper reason for Respondent's dilatory tactics and refusal  
26 to provide the records, materials and information Petitioner has requested. Respondent's delay  
27 and wrongful refusal to provide the requested records, violates the CPRA. This Court has  
28 jurisdiction to order the requested records disclosed at the earliest possible time. Furthermore,

1 Petitioner is entitled to a mandatory award of attorneys' fees and costs incurred in bringing this  
2 Petition. *Id.* § 6259.

3  
4 **FIRST CAUSE OF ACTION**  
**Public Records Act, Gov't Code § 6250 *et seq.***

5 21. Petitioner alleges on information and belief that Respondent will continue to  
6 refuse to permit members of the public, including himself, to inspect or obtain copies of the  
7 requested public records in violation of the CPRA.  
8

9 22. Petitioner alleges on information and belief that the information he seeks from  
10 Respondent is maintained in Los Angeles County. The requested records are public records not  
11 exempted from disclosure.  
12

13 23. Based on information set forth in this Petition, Petitioner believes, and therefore  
14 alleges, that Respondent's failure to produce and/or allow the inspection of records responsive to  
15 his requests resulted from an intentional failure to expend good-faith "reasonable effort," to  
16 comply with its statutory obligations in violation of the CPRA § 6254(b), which provides in  
17 pertinent part that, [e]xcept with respect to public records exempt from disclosure by express  
18 provisions of law, each state or local agency, upon a request for a copy of records that reasonably  
19 describes an identifiable record or records, shall make the records *promptly* available to any  
20 person[.]" (Emphasis added).  
21

22 **SECOND CAUSE OF ACTION**  
23 **California Constitution, Art. I § 3 subd. (b)(2)**

24 25. The California Constitution recognizes that the "people have the right of access  
25 to information concerning the conduct of the people's business, and therefore, the meetings of  
26 public bodies and the writings of public officials and agencies shall be open to public scrutiny."  
27  
28

1 Cal. Const., Art. I § 3(b)(1). This right is self-executing as the provisions of the California  
2 Constitution are mandatory and prohibitory. Cal. Const., Art. I § 26.

3 The California Constitution, therefore, directs the courts to broadly construe statutes  
4 that grant public access to government information and to narrowly construe statutes  
5 that limit such access. Cal. Const., Art. I § 3(b)(2).  
6

7 26. A clear controversy exists between the parties regarding Petitioner's right of  
8 access to Respondent's public records. Petitioner has and will continue to seek public records  
9 from Respondent as is his right under the CPRA and the California Constitution. Respondent  
10 has engaged in a pattern and practice of frustrating Petitioner's right of prompt access to public  
11 records.  
12

13 27. Without action by this Court, Respondent will continue to frustrate Petitioner's  
14 constitutional and statutory rights and he will suffer irreparable injury. Petitioner seeks  
15 injunctive and declaratory relief to protect the future exercise of his right of access to public  
16 records.  
17

### 18 **REQUEST FOR RELIEF**

19 28. Government Code Sections 6259(a) and 6259(b) authorize the Court to compel  
20 Respondent to release the requested documents.  
21

22 THEREFORE, Petitioner respectfully requests that:

23 29. This Court issue a peremptory writ of mandate directing Respondent to  
24 immediately conduct a diligent and comprehensive search for the requested  
25 records, and to thereafter *promptly* provide Petitioner the requested records or, in  
26 the alternative, an order to show cause why these public records should not be  
27 ordered disclosed;  
28

1 30. The Court set “times for responsive pleadings and for hearings in these  
2 proceedings... with the object of securing a decision as to these matters at the  
3 earliest possible time,” as provided in Government Code Section 6258;  
4

5 31. The Court enter an order declaring that Respondent has violated the CPRA by its  
6 refusal to release the public records sought by Petitioner’s requests, and by its  
7 failure to promptly respond to, and assist with, Petitioner’s requests;  
8

9 32. The Court enter an order declaring that for all future CPRA requests from  
10 Petitioner to Respondent, Respondent shall produce all responsive documents,  
11 subject to properly claimed exemptions, within 30 days, absent a showing of  
12 extraordinary hardship;  
13

14 33. The Court enter an order awarding Petitioner his reasonable attorney’s fees and  
15 costs incurred in bringing this action, as provided in Government Code Section  
16 6258, Code of Civil Procedure Section 1021.5; and California’s private attorney  
17 general doctrine,  
18

19 34. The Court award such further relief as is just and proper.  
20

21 DATED: Sept 21, 2019  
22

23 Respectfully Submitted,  
24

25 LAW OFFICE OF DOUG ECKS  
26 Attorney for Petitioner  
27

28 

Doug Ecks, Esq.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

I, Adrian Riskin, declare:

1. I am a resident of in Los Angeles, California.
2. I have read the Verified Petition for Writ of Mandate Directed to the City Council of Los Angeles Ordering Compliance with California Public Records Act and for Declaratory and Injunctive Relief; Exhibits A to F. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

This verification was executed on Sept 21, 2019, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.

  
ADRIAN RISKIN

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 124 E Olive Ave, Burbank Ca, 91502.

On the date set out below, I served the foregoing document described as Verified Petition for Writ of Mandate Directed to the City Council District Ordering Compliance with California Public Records Act and for Declaratory and Injunctive Relief; Exhibits A to B. on the following interested parties via US Mail:

Agent of Service  
Los Angeles City Council  
City Hall  
200 N Spring St  
LA CA 90012

Executed on Aug 12, 2019 at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

  
\_\_\_\_\_  
Doug Ecks, Esq

## Exhibit A

**Subject:** Request under the PRA  
**From:** "C.R. Victor" <crvictorlaw@aol.com>  
**Date:** 11/16/18, 12:59 PM  
**To:** councilmember.huizar@lacity.org, paul.habib@lacity.org

To: Jose Huizar and staff

Re: California Public Records Act (CPRA) Request

Dear Custodian of Records, This is a request under California's Public Records Act Government Code Section 6250 et seq. (CPRA). We are looking for all emails between you, Mr. Huizar, or any of your staff members, and the email address esq4kids@yahoo.com. Please be sure to search for to and from and cc and bcc without omission.

We are seeking copies of these emails from January 1, 2016 through November 16, 2018. As specifically called for under CA Government Code Section 6253.9 (a) (1), (a)(2) we ask that the responsive materials should be made available in electronic format where possible and if originally kept in that form by your office.

If our request is denied in whole or part, we ask that you justify all deletions/redactions /withholdings by reference to specific exemptions of the California Public Records Act. If you deem parts of this request to be exempt from disclosure, please redact or delete those portions and send the rest of the records in their entirety.

## Exhibit B

**Subject:** Re: Request under the PRA

**From:** Isaiah Calvin <isaiah.calvin@lacity.org>

**Date:** 3/22/19, 3:35 PM

**To:** "C.R. Victor" <crvictorlaw@aol.com>

**CC:** Rick Coca <rick.coca@lacity.org>, Paul Habib <paul.habib@lacity.org>

Hello,

We are still working on this request. We estimate these documents will be ready by April 12, if not sooner.

Thank you.

On Fri, Feb 22, 2019 at 3:52 PM Isaiah Calvin <[isaiah.calvin@lacity.org](mailto:isaiah.calvin@lacity.org)> wrote:  
Hello,

We are still working on your CPRA request. We estimate to have these documents ready by Friday, March 8, 2019, if not sooner.

Thank you.

On Mon, Dec 10, 2018 at 10:40 AM Isaiah Calvin <[isaiah.calvin@lacity.org](mailto:isaiah.calvin@lacity.org)> wrote:  
Hello,

We are working on completing your Public Records Act request from November 16. Because of the "unusual circumstances" that exist with the request and the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond, along with the upcoming holidays and Council recess when many staff will be out of the office, we estimate to have these documents ready by Friday, February 22, 2019, if not sooner.

Thank you.

Isaiah

From: **C.R. Victor** <[crvictorlaw@aol.com](mailto:crvictorlaw@aol.com)>

Date: Fri, Nov 16, 2018 at 12:59 PM

Subject: Request under the PRA

To: <[councilmember.huizar@lacity.org](mailto:councilmember.huizar@lacity.org)>, <[paul.habib@lacity.org](mailto:paul.habib@lacity.org)>

To: Jose Huizar and staff

Re: California Public Records Act (CPRA) Request

## Exhibit C

**Subject:** Re: Request under the PRA  
**From:** Isaiah Calvin <isaiah.calvin@lacity.org>  
**Date:** 2/22/19, 3:52 PM  
**To:** crvictorlaw@aol.com  
**CC:** Rick Coca <rick.coca@lacity.org>, Paul Habib <paul.habib@lacity.org>

Hello,

We are still working on your CPRA request. We estimate to have these documents ready by Friday, March 8, 2019, if not sooner.

Thank you.

On Mon, Dec 10, 2018 at 10:40 AM Isaiah Calvin <[isaiah.calvin@lacity.org](mailto:isaiah.calvin@lacity.org)> wrote:

Hello,

We are working on completing your Public Records Act request from November 16. Because of the "unusual circumstances" that exist with the request and the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond, along with the upcoming holidays and Council recess when many staff will be out of the office, we estimate to have these documents ready by Friday, February 22, 2019, if not sooner.

Thank you.

Isaiah

From: **C.R. Victor** <[crvictorlaw@aol.com](mailto:crvictorlaw@aol.com)>  
Date: Fri, Nov 16, 2018 at 12:59 PM  
Subject: Request under the PRA  
To: <[councilmember.huizar@lacity.org](mailto:councilmember.huizar@lacity.org)>, <[paul.habib@lacity.org](mailto:paul.habib@lacity.org)>

To: Jose Huizar and staff

Re: California Public Records Act (CPRA) Request

Dear Custodian of Records, This is a request under California's Public Records Act Government Code Section 6250 et seq. (CPRA). We are looking for all emails between you, Mr. Huizar, or any of your staff members, and the email address [esq4kids@yahoo.com](mailto:esq4kids@yahoo.com). Please be sure to search for to and from and cc and bcc without omission.

We are seeking copies of these emails from January 1, 2016 through November 16,



Dear Custodian of Records, This is a request under California's Public Records Act Government Code Section 6250 et seq. (CPRA). We are looking for all emails between you, Mr. Huizar, or any of your staff members, and the email address [esq4kids@yahoo.com](mailto:esq4kids@yahoo.com). Please be sure to search for to and from and cc and bcc without omission.

We are seeking copies of these emails from January 1, 2016 through November 16, 2018. As specifically called for under CA Government Code Section 6253.9 (a) (1), (a)(2) we ask that the responsive materials should be made available in electronic format where possible and if originally kept in that form by your office.

If our request is denied in whole or part, we ask that you justify all deletions/redactions/withholdings by reference to specific exemptions of the California Public Records Act. If you deem parts of this request to be exempt from disclosure, please redact or delete those portions and send the rest of the records in their entirety.

--

**Isaiah Calvin** | *Communications Deputy*  
Office of Councilmember José Huizar  
City of Los Angeles, Council District 14

--

**Isaiah Calvin** | *Communications Deputy*  
Office of Councilmember José Huizar  
City of Los Angeles, Council District 14

--

**Isaiah Calvin** | *Communications Deputy*  
Office of Councilmember José Huizar  
City of Los Angeles, Council District 14

## Exhibit D

**Subject:** Re: CPRA Request Pickup  
**From:** CRV <crvictorlaw@aol.com>  
**Date:** 5/10/19, 5:50 PM  
**To:** Isaiah Calvin <isaiah.calvin@lacity.org>

Good day, Mr. Calvin.

Thank you for your work preparing these 51 pages of documents.

The response is unaccountably fragmentary. You have failed to describe any exemptions to support CD14's withholdings. Section 6255 is not actually an exemption, it's the basis for making a claim that withholding is justified based on some public interest. It would be very helpful if CD14 would explain what the public interest in withholding what appears on its face to be at least hundreds of pages of material. Just for instance consider the attached fragment of a 10 page conversation, only one email of which CD14 did not withhold. What is the public interest being served by not releasing the other messages?

Please respond by May 24, 2019.

Thank you.

On 4/22/19 4:09 PM, Isaiah Calvin wrote:

Hello,

We have 51 pages of answerable documents in regards to your Public Records Act request seeking emails between Councilmember Huizar, CD14 staff and [esq4kids@yahoo.com](mailto:esq4kids@yahoo.com). Please note, some records are redacted per Government Code section 6255

Per California law, you may view the 51 pages of answerable documents at our office, or you may take a copy with you, at the cost of 10 cents a page. If you would like a copy, please let us know when you plan to stop by and remit a check payable to "The City of Los Angeles" in the amount of \$5.10. You may also mail check in that amount if you prefer to:

Office of Councilmember José Huizar, 14th District

Los Angeles City Hall  
200 N. Spring St., Room 465  
Los Angeles, CA 90012

Thank you.

--